

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KEVIN BOLAND,

Plaintiff,

- against -

N.Y. CITY DEPT. OF CORRECTIONS, et al.,

Defendants.

**REPORT &
RECOMMENDATION**

07 Civ. 7202 (BSJ) (RLE)

RONALD L. ELLIS, United States Magistrate Judge:

Plaintiff Kevin Boland brings this *pro se* action against Defendants New York City Department of Corrections, Martin F. Horn, and Sandra Langston. Boland filed the Complaint on August 13, 2007. The case was referred to the undersigned on November 20, 2007. Boland has failed to serve any of the Defendants, and by Order dated April 10, 2008, the Court directed Boland to show cause by May 16, 2008, why the Complaint should not be dismissed for failure to prosecute. Boland failed to respond. In light of Boland's failure to prosecute this case, I recommend that the Court **DISMISS WITHOUT PREJUDICE** the case against Defendants.

Pursuant to Rule 72, Federal Rules of Civil Procedure, the Parties shall have ten (10) days after being served with a copy of the recommended disposition to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court and served on all adversaries, with extra copies delivered to the chambers of the Honorable Barbara S. Jones, 500 Pearl Street, Room 2103, and to the chambers of the undersigned, Room 1970. Failure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. *See Thomas v. Arn*, 474 U.S.

140, 150 (1985); *Small v. Secretary of Health and Human Services*, 892 F.2d 15, 16 (2d Cir. 1989) (*per curiam*); 28 U.S.C. § 636(b)(1) (West Supp. 1995); Fed. R. Civ. P. 72, 6(a), 6(e).

SO ORDERED this 27th day of May 2008
New York, New York

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written over a horizontal line.

The Honorable Ronald L. Ellis
United States Magistrate Judge